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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,751	06/22/2001	Steven S. Kantner	55980USA1B.004	7737

7590 11/30/2005

Attention: Robert W. Sprague  
Office of Intellectual Property Counsel  
3M Innovative Properties Company  
P.O. Box 33427  
St. Paul, MN 55133-3427

EXAMINER

KANTAMNENI, SHOBHA

ART UNIT

PAPER NUMBER

1617

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



### **DETAILED ACTION**

Receipt is acknowledged of Amendment filed on 08/11/05, wherein new claim 19 has been added.

Claims 1-13, 15, and 19 are pending, and examined herein.

Applicant's amendment necessitated the following new ground(s) of rejection presented in this Office action.

#### ***Claim Objections***

Claim 15 is objected to because of the following informalities: Claim 15 depends on a cancelled claim 14. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Bolich, Jr. et. al. (US.5,662,892).

Bolich discloses hair care compositions containing the copolymers of C1-C18 alkyl esters of acrylic or methacrylic acid having the same limitation of the instant claim 19. See col. 25, lines 57-60. The monomers of instant claim 19(a)(i) such as 2-ethylhexyl acrylate in the amount of 10-90 weight %; and the monomers of the instant claim 19(a)(ii) such as isobornyl (meth)acrylate in the amount of 5-90 weight % are

Art Unit: 1617

disclosed. See col.4, lines 47-53. The reference further teaches that by appropriate selection and combination of the particular monomers, and by choice of specific relative ratios of the monomers one of ordinary skill in the art can optimize the various physical properties such as water and solvent solubility, Tg 's and non-tack of the copolymers. See col. 5, lines 23-30 and col. 4, lines 53-60. The physical properties such as Tg of less than 19 °C would be inherent to the copolymers obtained, by appropriate selection and combination of particular monomers in specific relative weight ratios. An aqueous composition comprising the copolymers wherein the copolymer is dispersed as particles is also disclosed. See column 7, lines 41-50; column 27, claim 18.

The recitation of the intended use of the claimed invention such as "wherein when said cosmetic application is a hair care composition, said hair care composition does not have reshapeable effect" is not considered to limit the composition claims herein. See, e.g., *Ex parte Masham*, 2 USPQ2d 1647 (1987) and *In re Hack* 114, USPQ 161.

The recitation "up to 20 percent by weight of methacrylic acid" in claim 19, line 3, includes 0 % of methacrylic acid.

Thus, Bolich anticipates instant claim 19.

### ***Allowable Subject Matter***

Claims 1-13 and 15 are free of art.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period, will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

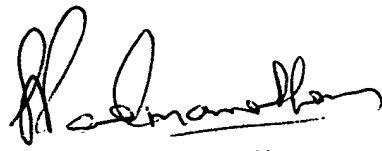
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shobha Kantamneni whose telephone number is 571-272-2930. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreeni Padmanabhan can be reached on 571-272-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1617

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Shobha Kantamneni  
Patent Examiner  
Art Unit 1617



SREENI PADMANABHAN  
SUPERVISORY PATENT EXAMINER